

**BOROUGH OF WESTWOOD
PLANNING BOARD MINUTES
PUBLIC MEETING AGENDA
REGULAR MEETING
October 22, 2009**

1. OPENING OF THE MEETING

The meeting was called to order at approximately 8:00 p.m.

Open Public Meetings Law Statement:

This meeting, which conforms with the Open Public Meetings Law, Chapter 231, Public Laws of 1975, is a Regular Meeting of the Planning Board.

Notices have been filed with our local official newspapers and posted on the municipal bulletin board.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL:

PRESENT: Mayor Birkner
Otokar von Bradsky
Richard Bonsignore
Councilwoman Cynthia Waneck
William Martin
Ann Costello
Jaymee Hodges, Chairman
Thomas Constantine
James Schluter, Vice-Chairman
Philip Cerruti (Alt. #1)
Daniel Olivier (Alt. #2)

ALSO PRESENT:

Thomas Randall, Esq., Board Attorney
Louis Raimondi, PEELS, Board Engineer
Ed Snieckus, Burgis Associates, Board Planner

ABSENT: None

Thomas Constantine and James Schluter both stated for the record that they listened to the tape of the 9/10/09 meeting. Mr. Schluter's Certification was received.

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4. MINUTES: The Minutes of 9/10/09 were carried to the next meeting. The Meetings of 9/24/09 & 10/8/09 were canceled due to lack of applications to process.

5. CORRESPONDENCE:

1. Letters from Louis A. Raimondi, P.E.L.S., dated 9/24/09 RE: Adams Court Subdivision;

6. RESOLUTIONS: None

7. VOUCHERS: \$10,166.75 - A motion to approve vouchers was made by Mr. von Bradsky, seconded by Mr. Constantine and carried.

8. PENDING NEW BUSINESS: None

9. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS:

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS
The Board Professionals were sworn in

1. **Diamond Financial LLC - Block 2001, Lots 38, 39 & 46, Jones Street, Alvin Street - Subdivision** - Marc Leibman, Esq. appeared on behalf of Diamond Financial and requested an adjournment of the hearing, since he just received the reports of the Borough's Professionals, Mr. Raimondi, dated 10/19/09, and Mr. Snieckus, Burgis Associates, 10/20/09, and his office did not have the opportunity to address the reports prior to this evening's meeting. Mr. Raimondi commented and explained the outstanding issues are the drainage, and he did not receive proof they complied with the RSIS standards. Also, additional information was needed. Mr. Leibman requested the matter be adjourned to 12/3/09 to allow ample time to submit revised plans. Councilwoman Waneck commented it is an inconvenience for the residents to continue to appear at meetings, and then find the matter is adjourned. Secondly, applicant's escrow account is deficient and must be replenished. Mr. Leibman requested a total amount due be emailed to his office tomorrow. A member of the public came forward and questioned how long this would continue for, and the Board addressed same. The matter was adjourned until 12/3/09 with no further notice, and the time extension was granted by the applicant.

10. DISCUSSION:

1. DABGS Enterprises - Old Lafayette Avenue, Adams Court -
Mr. Raimondi commented there was an issue with snow plowing regarding the existing house. The Board voted the cul-de-sac be removed, and now they are changing the filed map. Councilwoman Waneck elaborated per letter of the Borough Engineer there was a field change that the cul-de-sac should remain as is to avoid problems with drainage, and that is the reason for the field change. Mr. Randall advised if they desire to make changes to the approval, they must request permission from the Board. Mr. Raimondi felt the latest change is unsafe and will be a hazard if they make this field change. Chairman Hodges commented his understanding is when the plan reads field verification, the change has been made.

Mr. Martin commented this is a major change and poor planning. The Board spent a lot of time on this. It is good planning to remove the cul-de-sac and improve the drainage. Mr. Randall advised if anyone wants to object at the building department approval level but the Board is not an enforcement body. The Construction Official would have to direct them back to the Planning Board for approval. Mr. Hodges met with Mr. Marini in his office, and simply put, two existing houses were missed on the plan. Mr. Martin noted the house was on the plan, and they decided it would be better for the street to go through. Mr. Martin recommended we say no to the field change. Mr. Randall advised the Board can communicate to the Mayor and Council any way it wants. Mr. Martin stated we do not delegate someone to decide on whether to approve field changes. Mr. von Bradsky felt this was a major change, rather than a field change. Ms. Costello inquired if field changes are defined in a list, and it was stated they are not. Mr. Bonsignore was asked if he has ever experienced this as Chairman, and he did not.

Mr. Martin made a motion sending a letter to the James Strabone, Zoning Officer reaffirming that the Planning Board would like to see the plan implemented as approved, with the street coming through and the cul-de-sac removed in the interest of safety and good planning, and if a change is desired the applicant should come back before the Board and make an application for an amendment, as this is not a field change. A copy of the letter should go to the Construction Code Official and all Borough officials. The Board reviewed the plan. Mr. Bonsignore expressed concern and stated he could not vote on this motion. The motion was seconded by Ms. Costello and

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carried. Mr. Bonsignore, Councilwoman Waneck and Chairman Hodges abstained.

Mr. Randall would issue the letter.

2. Litigation - Mr. Randall updated the Board on the litigation brought by Thomas Wanner, and advised he did not believe the Stipulation of Dismissal without Prejudice could be held up. The Mayor added it was deemed as a warranted action and did not want to agree with this. Mr. Randall advised the Board does not necessarily have to sign it but he does not think the law suit would be resurrected. Mayor Birkner commented he did not want to leave this possibility open. The plaintiff should drop the laws suit. Mr. von Bradsky agreed with the Mayor. Mr. Randall noted Judge Harris has been elevated to the Appellate Division, and he did not know the status of the case. He requested the Board's direction. On the Mayor's recommendation, the Board decided and agreed to let it ride and not act. There was no need for a motion since Mr. Randall was not directed to sign it.

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 9:20 p.m.

Respectfully submitted

MARY R. VERDUCCI, Paralegal
Planning Board Secretary